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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,435	08/21/2001	Ingemar Eriksson	821-33	4210

7590 07/01/2003

Dilworth & Barrese  
333 Earle Ovington Boulevard  
Uniondale, NY 11553

EXAMINER

CASTRO, ARNOLD

ART UNIT	PAPER NUMBER
3747	10

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3747

**Reply to Letter**

**Claim Status**

1. Claims 1-25 are present.

***Response to Letter on Pre-Amendment***

2. The amendment to the claims filed on November 16, 2001 does not comply with the requirements of 37 CFR 1.121(c) because the instant case was filed with claims 1-25 and applicant only cancelled claims 1-19. The pre-amendment filed August 21, 2001 could not be entered for that reason. Applicant resubmitted the same pre-amendment on November 16, 2001. The resubmission again did not cancel original claims 20-25. However, since the postal service irradiated the letter and resubmission to the point it was unsuitable for entry even if applicant had compiled with 37 CFR 1.121(c) at that time it could not have been entered. Moreover, the letter sent by USPTO on October 16, 2001 was not specific in the error of the pre-amendment to the claims.

3. 37 CFR 1.121(c) states:

(c) Claims.

(1) Amendment by rewriting, directions to cancel or add: Amendments to a claim must be made by rewriting such claim with all changes (e.g., additions, deletions, modifications) included. The rewriting of a claim (with the same number) will be construed as directing the cancellation of the previous version of that claim. A claim may also be canceled by an instruction.

(i) A rewritten or newly added claim must be in clean form, that is, without markings to indicate the changes that have been made. A parenthetical expression should follow the claim number indicating the status of the claim as amended or newly added (e.g., "amended," "twice amended," or "new").  
(ii) If a claim is amended by rewriting such claim with the same number, the amendment must be accompanied by another version of the rewritten claim, on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of that claim. A parenthetical expression should follow the claim number indicating the status of the claim, e.g., "amended," "twice amended," etc. The parenthetical expression "amended," "twice amended," etc. should be the same for both the clean version of the claim under paragraph (c)(1)(i) of this section and the marked up version under this paragraph. The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system. A marked up version does not have to be supplied for an added claim or a canceled claim as it is sufficient to state that a particular claim has been added, or canceled.

(2) A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

Since the reply filed on November 16, 2001 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**Applicant needs to cancel claims 1-25 and start any new claims with number 26.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold Castro whose telephone number is (703) 305-0039. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on (703) 308-1946. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

  
Arnold Castro  
Examiner  
Art Unit 3747

AC  
June 29, 2003

  
Henry C. Yuen  
Patent Examiner  
3700